

Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INV	FIRST NAMED INVENTOR		
09/010,3	17 01/21/	98 HOOK .		M	TAMK: 189
_		HM12/0225	\neg		EXAMINER
M. SUZY STRICKLAND ARNOLD WHITE & DURKEE P.O. BOX 4433				LEE,	<u> </u>
				ART UNIT	PAPER NUMBER
	тх 77210-44:	33		1645	15
				DATE MAILED:	

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/010,317

Applicant(s)

Examiner

Li Lee

Group Art Unit 1645

Hook et al



🗴 Responsive to communication(s) filed on <u>Nov 5, 1999</u>	
☐ This action is FINAL .	
Since this application is in condition for allowance except for formal matters, in accordance with the practice under Ex parte Quay№35 C.D. 11; 453 O.G.	5. 213.
A shortened statutory period for response to this action is set to expire longer, from the mailing date of this communication. Failure to respond within tapplication to become abandoned. (35 U.S.C. § 133). Extensions of time may 37 CFR 1.136(a).	the period for response will cause the
Disposition of Claim	
X Claim(s) <u>33-35 and 37</u>	is/are pending in the applicat
Of the above, claim(s)	is/are withdrawn from consideration
☐ Claim(s)	
X Claim(s) <u>33-35 and 37</u>	
☐ Claim(s)	
☐ Claims	
 See the attached Notice of Draftsperson's Patent Drawing Review, PTO- The drawing(s) filed on is/are objected to by the The proposed drawing correction, filed on is	e Examiner. approved disapproved. § 119(a)-(d). cuments have been Bureau (PCT Rule 17.2(a)).
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Art Unit: 1645

DETAILED ACTION

1. Applicant's amendment filed on Nov 05, 1999 (Paper Number 14) has been received and entered. Claims 1-32, 36, and 38-53 have been canceled. Claim 33 has been amended, consequently claims 33-35 and 37 are pending in the instant application.

Rejections Withdrawn

- 2. The rejection of claims 33-37 under 35 U.S.C. 112, second paragraph, as being indefinite is withdrawn in view of Applicant's amendment of recitation of a specific peptide sequence in claim 33.
- 3. The rejection of claims 33 and 37 under 35 U.S.C. 102(b) as being anticipated by Rozalska et al is withdrawn in view of Applicant's amendment.

Claim Rejections - 35 USC § 102

4. Claims 33-35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Burnham et al (US 5,955,078, Sep 21, 1999).

Burnham et al teach a method of generating an antibody that binds to a fibronectin binding domain of a fibronectin binding protein and inhibits of said fibronectin binding protein to fibronectin (Abstract and Background of the Invention). The antibody of Burnham may be generated using a immunogen having an epitope present in the D1-D4 region of fibronectin binding protein, e.g., SEQ ID Nos: 6-8 (column 2, lines 43-46 and column 3, lines 11-14). The

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immunogen of the peptide of SEQ ID NO:60, 61, or 103 used to generate the claimed antibody in the instant application has an 100 % identical epitope (more than 5 amino acids in lenght) to the one covered by the peptide of Burnham et al of SEQ ID Nos: 6-8 (see the sequence search report). Art specifically teaches that an epitope is about 5 amino acid in size (Warren et al Medical Microbiology & Immunology, 1994, page 293). Thus, Burnham et al meet the limitation of the claims.

Status of Claims

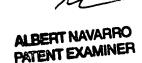
5. No claims are allowed. All claims stand rejected.

Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Papers relating to this application may be submitted to Technology Center 1600, Group 1645 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (703) 308-4242.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li Lee whose telephone number is (703) 308-8891. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached at (703) 308-3995.

Li Lee February 22, 2000



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